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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,205	08/04/2005	Peter Eduard Neerincx	ARSI-006	3209
24353 7590 01/23/2008 BOZICEVIC, FIELD & FRANCIS LLP 1900 UNIVERSITY AVENUE SUITE 200 EAST PALO ALTO, CA 94303				
EXAMINER NICHOLS IL ROBERT K				
ART UNIT 4133		PAPER NUMBER		
MAIL DATE 01/23/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/518,205

**Applicant(s)**

NEERINCX ET AL.

**Examiner**

ROBERT K. NICHOLS II

**Art Unit**

4133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08/04/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Bellows Pump System.

### ***Claim Objections***

2. Claims 4-22 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-22 have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Daniel Crosnier (US Patent No. 5,267,673).

Regarding claim 1, Crosnier discloses an "assembly of bellows part and co-acting part" as a dosing device in figure 3.

The assembly of Crosnier includes a "bellows part with a flexible wall" as an inner part 1 disclosed in column 2 lines 29-31 of "predetermined shape and thickness" disclosed in column 1 lines 49-57, which co-operates with the co-acting part as a cap 2 disclosed in column 2 lines 37-42, which comprises a "stiff outer wall along which the flexible wall is movable" disclosed in column 2 lines 29-36.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel Crosnier (US Patent No. 5,267,673) in view of James Boyd (Pub. Strength of Materials)

6. With respect to claim 2, Crosnier discloses an assembly of claim 1 wherein the "co-acting part is a part against which unrolling takes place" disclosed in column 3 lines 34-36 and "wherein the stiff outer wall has a predetermined diameter and/ or the flexible wall has a predetermined thickness variation" disclosed in column 2 lines 43-66

Crosnier fails to disclose that the "predetermined diameter and/or thickness" are to cause a desired development of force". Boyd discloses "diameter variation" and/or thickness variation" in a body from force as deformation disclosed on page 5 section 7.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to relate "flexible wall" size and/or thickness to the "development of force" from applied force.

7. With respect to claim 3, Crosnier discloses an "assembly as claimed in claim 1 or 2" in figure 1 wherein the "flexible wall" 1 is partially turned back and wherein "a turned-

back edge" 10 as a annular part disclosed in column 2 lines 43-47 is "arranged on an outer end thereof for the purpose of absorbing a pressure force." Crosnier fails to disclose the purpose of the back edge being arranged on the outer end. Boyd discloses a materials elastic limit on page 6 section 8 as the ability for a body to return to its original shape when a load is removed.

It would have been obvious to one of ordinary skill in the art at the time of the invention, to place the "flexible wall" with a greater elastic limit were there is pressure for the purpose of absorbing the pressure force and returning to its shape for continuous pump usage.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bougamont (US-5,788,124), Bauer (US-4,347,953), Rossignol (US-7,213,726) show other bellows pump devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT K. NICHOLS II whose telephone number is (571)270-5312. The examiner can normally be reached on Mon-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Coby can be reached on 571-272-4017. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frantz Coby/

Supervisory Patent Examiner, Art Unit 2161

/Robert K Nichols II/  
Examiner, Art Unit 4133

01/17/08